BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

JAMES ANDREWS Claimant	
VS.)) Docket No. 184,516
UNIVERSAL SURETY COMPANY Respondent	DOCKELING, 164,516
AND	
FIDELITY & DEPOSIT COMPANY OF MARYLAND Insurance Carrier))

ORDER

The application of claimant for review by the Workers Compensation Appeals Board of an Award entered by Administrative Law Judge John D. Clark, dated January 19, 1995, came on for oral argument by telephone conference.

APPEARANCES

Claimant appeared by and through his attorney Randy S. Stalcup of Wichita, Kansas. Respondent and its insurance carrier appeared by and through their attorney Stanley E. Oyler of Topeka, Kansas. There were no other appearances.

RECORD

The record as specifically set forth in the Award of the Administrative Law Judge is herein adopted by the Appeals Board.

STIPULATIONS

The stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

ISSUES

What is the nature and extent of claimant's injury and disability?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record and the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board, in reviewing the Award of Administrative Law Judge John D. Clark, finds the applicable facts and law are accurately set out therein and adopts the Award of Administrative Law Judge John D. Clark, dated January 19, 1995, as its own in toto. In so doing, the Appeals Board finds claimant has suffered a loss of four percent (4%) of his functional impairment to the body as a whole, as a result of the injuries suffered on September 23, 1993, arising out of and in the course of his employment with respondent.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the claimant, James Andrews, is awarded benefits against the respondent, Universal Surety Company, and its insurance company, Fidelity & Deposit Company of Maryland, for an accidental injury sustained on September 23, 1993.

Claimant is entitled to 12 weeks temporary total disability compensation at the rate of \$313.00 per week totaling \$3,756.00, followed by 16.6 weeks permanent partial general body disability at the rate of \$313.00 per week totaling \$5,195.80, for a 4% permanent partial general body disability, making a total award of \$8,951.80.

As of June 30, 1995, the entire amount would be due and owing to claimant, which is ordered paid in one lump sum, less amounts previously paid.

Pursuant to K.S.A. 44-536, the claimant's contract of employment with his counsel is hereby approved.

The fees necessary to defray the expense of the administration of the Workers Compensation Act are hereby assessed against the respondent to be paid as follows:

Barber & Associates

Transcript of Regular Hearing	\$245.70
Deposition of Philip Mills, M.D.	247.00
TOTAL	\$492.70

Gene Dolginoff Associates, Ltd.

Deposition of Daniel Zimmerman, M.D. \$517.90

IT IS SO ORDERED.

Dated this	day of July, 1995.	
	BOARD MEMBER	
	BOARD MEMBER	
	BOARD MEMBER	

c: Randy S. Stalcup, Wichita, Kansas Stanley E. Oyler, Topeka, Kansas John D. Clark Administrative Law Judge David A. Shufelt, Acting Director